REMARKS

By this amendment, claims 1, 8, 11, 14, 18, and 20 have been amended. Claims 3 and 15-17 were previously canceled. Accordingly, claims 1-2, 4-14, and 18-26 are currently pending in the application, of which claims 1, 8, 11 and 18 are independent claims.

Applicant respectfully submits that the above amendments do not add new matter to the application and are fully supported by the specification. Support for the amendments may be found at least as described in more detail below.

Entry of the Amendment is proper under 37 C.F.R. §1.116 because it (a) places the application in *prima facie* condition for allowance for the reasons discussed herein; (b) does not raise new issues requiring further search and/or consideration by the Examiner because similar subject matter was previously considered by the Examiner and thus further consideration and/or search by the Examiner is not warranted; (c) places the application in better form for appeal, should an appeal be necessary; and (d) responds to formal matters set forth by the Examiner. For at least these reasons, entry of the present Amendment is therefore respectfully requested. Accordingly, Applicant requests reconsideration and timely withdrawal of the pending rejections for the reasons discussed below.

Rejections Under 35 U.S.C. § 112, first paragraph

Claims 1-2, 4-14, and 18-26 stand rejected under 35 U.S.C. § 112, first paragraph for failing to comply with the written description requirement. Specifically, the examiner maintains that the phrase "real-time notification" was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time application was filed, had possession of the claimed invention. Applicant respectfully traverses this rejection for at least the reasons asserted in the Reply filed on March 6, 2007.

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Further, in the Office Action, and in response to Applicant's Reply of March 6, 2007, the examiner asserts that "real-time ... bears a specific meaning to a system" and proceeds to construe "real-time." Office Action, page 2. However, the examiner offers no support for this purported construction of "real-time." Without any support for this construction, this rejection cannot be maintained.

However, to expedite prosecution, Applicant has amended the relevant claims to delete use of "real-time notification." Support for these amendments may be found at least at:

1. Page 13, lines 16-20: "[i]f the incoming message is a call, the incoming message alarming information may include the identification ...of the calling mobile communication terminal 10 and the information indicating the incoming call's arrival." (emphasis added)

2. Page 16, lines 3-6: the "incoming message alarming information [indicates] that the called mobile communication terminal 90 is being called or a short message is arriving." (emphasis added)

3. Page 19, lines 20-22: "it is made possible to readily recognize the incoming message's arrival at the mobile communication terminal." (emphasis added)

4. Figure 2: an incoming message recites "YOU ARE BEING CALLED BY 000-000-0000." (emphasis added)

These cited portions of the specification support at least that the notification message provides notification that a mobile terminal is being called or receiving a short message. Individually and collectively, these cited portions of the specification, together with the remainder of the specification, "reasonably convey to one skilled in the relevant art that the inventor, at the time application was filed, had possession of the claimed invention." Thus, the amendments to claims are supported by the specification in compliance with the written description requirement of 35 U.S.C. § 112, first paragraph.

Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 112, first paragraph rejection of claims 1-2, 4-14, and 18-26.

Rejections Under 35 U.S.C. § 103

Claims 1-2, 4, 8-14, 18-26 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent Application Publication No. 2002/0111167 applied for by Nguyen ("Nguyen") in view of U. S. Patent No. 6,493,431 issued to Troen-Krasnow, *et al.* ("Troen-Krasnow"), and further in view of U.S. Patent Application Publication No. 2002/0042830 applied for by Bose, *et al.* ("Bose").

To establish an obviousness rejection under 35 U.S.C. § 103(a), four factual inquiries must be examined. The four factual inquiries include (a) determining the scope and contents of the prior art; (b) ascertaining the differences between the prior art and the claims in issue; (c) resolving the level of ordinary skill in the pertinent art; and (d) evaluating evidence of secondary consideration. *Graham v. John Deere*, 383 U.S. I, 17-18 (1966). In view of these four factors, the analysis supporting a rejection under 35 U.S.C. 103(a) should be made explicit, and should "identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements" in the manner claimed. *KSR Int'l. Co. v. Telefex, Inc.*, 550 U.S. __, slip op. at 14-15 (2007). Thus, even if the prior art may be combined, the references when combined must disclose or suggest all of the claim limitations. *See in re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

"All of the Claim Limitations"

However, the cited references do not render the present invention obvious because, even assuming *arguendo* that the cited references may be combined and a reasonable

expectation of success exists, the combined references fail to disclose or suggest all features of

independent claims 1, 8, 11, and 18 as amended.

Claim 1

Specifically, Applicant respectfully submits that the cited references fail to disclose or

suggest all features of claim 1 as amended. Claim 1 as amended recites, *inter alia*,

> a messenger service system ...for sending a second
> notification message to a personal computer, the second
> notification message for providing notification <u>that the called</u>
> <u>mobile communication terminal is receiving the incoming</u>
> <u>message</u>. (emphasis added)

Nguyen, Troen-Krasnow, and Bose, either alone or in combination, fail to disclose at

least these features. The examiner relies upon Nguyen's SMS message as described in

paragraphs [0007] and [0008] to disclose the "second notification message" of claim 1.

However, as described in Nguyen's paragraph [0008], when the SMS message is sent to the

called mobile station, an incoming data call intended for the called mobile station has been

received only at the application server in the data network overlay. See paragraph [0008]. The

mobile station is "operating in a voice mode," and has not received the incoming data call, when

the SMS message is received. Paragraph [0008]. The incoming <u>data call</u> is routed to the called

mobile station <u>only after</u> the called mobile station "accept[s] the incoming data call" <u>in response</u>

<u>to the SMS message</u>. Therefore, Nguyen's SMS message does not disclose "notification that

the called mobile communication terminal <u>is receiving</u> the incoming message" (emphasis

added).

Further, Troen-Krasnow fails to remedy the shortcomings of Nguyen. As described in

Troen-Krasnow, a message server "sends a notification to the called party that a call <u>has been</u>

<u>received</u>." See Troen-Krasnow, col. 5, lines 1-2 (emphasis added). This notification message is

sent from the message server <u>only after</u> the called telephone is "busy or the calling party

receives no answer." See Troen-Krasnow, col. 4, line 18. The message is transmitted to the

called party's computer <u>after</u> the telephone call is transferred away from the telephone system

and "to the message server." Col. 4, lines 19-20. Thus, Troen-Krasnow's message also fails to

disclose "notification that the called mobile communication terminal <u>is receiving</u> the incoming

message" (emphasis added).

Finally, Bose fails to remedy the shortcomings of both Nguyen and Troen-Krasnow. As

the examiner notes, Bose generally discloses a "real-time messaging system to provide real-

time alert notification." Bose, paragraph [0051]. However, to receive the real-time alert

notification, "users … may express interest in an event by sending a request-for-identified-event

to the event mediator." Bose fails to disclose that the identified event is "that the called mobile

communication terminal <u>is receiving</u> the incoming message."

Further, in combining Nguyen, Troen-Krasnow, and Bose, the examiner has examined

discrete elements of claim 1 in isolation without considering the invention as a whole. For

example, the Office Action offers no explanation how Bose's "<u>real-time</u> messaging system"

could be used to modify Nguyen's system, which sends a message to a user <u>before an</u>

<u>incoming call is received</u>, and Troen-Krasnow's system, which send a message <u>after an</u>

<u>incoming call is missed</u>. In rejecting the present claims, the examiner has failed to consider how

these three distinct purposes could be combined into a single system that would render the

present invention obvious when considered as a whole.

Claim 8

Similarly, Applicant respectfully submits that the cited references fail to disclose or

suggest all features of claim 8 as amended. Claim 8 as amended recites, *inter alia,*

> wherein the messenger service system sends a second notification message to a personal computer, the second notification message for providing notification <u>that the called mobile communication terminal is receiving the incoming message</u>. (emphasis added)

For at least the reasons asserted above with respect to claim 1, Nguyen, Troen-Krasnow, and Bose, either alone or in combination, fail to disclose at least these features. Specifically, the cited references fail to disclose "the second notification message for providing notification that the called mobile communication terminal <u>is receiving the incoming message</u>" (emphasis added).

Further, as with claim 1, the examiner has examined discrete elements of claim 8 in isolation without considering the invention as a whole. Specifically, the Office Action offers no explanation how Bose's "<u>real-time</u> messaging system" could be used to modify Nguyen's system, which sends a message to a user <u>before an incoming call is received</u>, and Troen-Krasnow's system, which send a message <u>after an incoming call is missed</u>.

Claim 11

Applicant respectfully submits that the cited references also fail to disclose or suggest all features of claim 11 as amended. Claim 11 as amended recites, *inter alia*,

> a messenger server for sending a second notification message to a personal computer corresponding to the IP address,
>
> wherein the second notification message provides notification <u>that a called mobile communication terminal of the called subscriber is receiving an incoming message transmitted to a wireless communication system</u>. (emphasis added)

For at least the reasons asserted above with respect to claim 1, Nguyen, Troen-Krasnow, and Bose, either alone or in combination, fail to disclose at least these features. Specifically, the cited references fail to disclose "the second notification message provides

notification that a called mobile communication terminal ... is receiving an incoming message transmitted to a wireless communication system" (emphasis added).

Further, as with claim 1, the examiner has examined discrete elements of claim 11 in isolation without considering the invention as a whole. Specifically, the Office Action offers no explanation how Bose's "real-time messaging system" could be used to modify Nguyen's system, which sends a message to a user before an incoming call is received, and Troen-Krasnow's system, which send a message after an incoming call is missed.

Claim 18

Applicant respectfully submits that the cited references fail to disclose or suggest all features of claim 18 as amended. Claim 18 as amended recites, *inter alia*,

> providing notification to a personal computer
> corresponding to the IP address that the called mobile
> communication terminal is receiving the incoming message.
> (emphasis added)

For at least the reasons asserted above with respect to claim 1, Nguyen, Troen-Krasnow, and Bose, either alone or in combination, fail to disclose at least these features. Specifically, the cited references fail to disclose "providing notification to a personal computer corresponding to the IP address that the called mobile communication terminal is receiving the incoming message" (emphasis added).

Further, as with claim 1, the examiner has examined discrete elements of claim 18 in isolation without considering the invention as a whole. Specifically, the Office Action offers no explanation how Bose's "real-time messaging system" could be used to modify Nguyen's system, which sends a message to a user before an incoming call is received, and Troen-Krasnow's system, which send a message after an incoming call is missed.

For at least these reasons, Nguyen, Troen-Krasnow, and Bose, either alone or in combination, fail to disclose every feature of claims 1, 8, 11 and 18.

Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection of claims 1, 8, 11 and 18. Claims 2, 4, 9-10, 12-14, and 19-26 depend from these independent claims and are allowable at least for this reason. Since none of the other prior art of record, whether taken alone or in any combination, discloses or suggests all the features of the claimed invention, Applicant respectfully submits that independent claims 1, 8, 11 and 18, and all the claims that depend therefrom, are allowable.

CONCLUSION

Applicant believes that a full and complete response has been made to the pending Office Action and respectfully submits that all of the stated grounds for rejection have been overcome or rendered moot. Accordingly, Applicant respectfully submits that all pending claims are allowable and that the application is in condition for allowance.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative at the number below to expedite prosecution.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,

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